

PETITIONER'S EXHIBIT #2

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CORRECTION - DIVISION OF PRISONS

T05: 02B .0100

SUBCHAPTER 2B - INMATE CONDUCT RULES, DISCIPLINE

SECTION .0100 - GOOD TIME AND GAINED TIME

.0101 PURPOSE

This policy established a method of computing good time for acceptable behavior and earned gained time for behavior which would not normally be required of an inmate confined within any of the facilities within the division of prisons. All inmates, including CVO's and those with life terms, shall be allowed a maximum of 107 days good time for acceptable behavior for each year served. Good time shall be subjected to forfeiture for misbehavior as determined by appropriate disciplinary action. Regular good time shall be computed on a pro rata basis and shall be equivalent of 8.94 days per 30.4 day month or 29.41 percent of total sentence length.

History Note: Statutory Authority G.S. 148-11;
Eff. February 1, 1976.

.0102 APPLICATION

All inmates who perform work, whether full-time or part-time or participate in specific training programs which would assist in their productive reentry into the community, shall be allowed additional gained time which shall be regulated as gained time I, II, and III. Gained time shall not be subjected to forfeiture and will be administered as follows:

- (1) Gained Time I. In addition to the 8.94 days per 30.4 day month of regular good time, inmates who perform short-term work assignments (requiring a minimum of four hours of actual work per day) or who participate in on-site academic and vocational training programs shall be eligible to receive an additional 2.09 days per month gained time for a total of 11.03 days per 30.4 day month. Such additional gained time shall not be subject to forfeiture for misbehavior and shall be the equivalent of 6.89 percent of the remaining sentence.
- (2) Gained Time II. In addition to the regular good time of 8.94 days per 30.4 day month, all inmates who satisfactorily perform job assignments requiring a minimum of six hours work per day or who perform acceptably in part-time work release or study release programs shall be allowed an additional 3.81 days gained time for a total of 12.75 days per 30.4 day month. Such additional gained time shall not be subject to forfeiture for misbehavior

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and shall be the equivalent of 12.55 percent of the remaining sentence.

- (3) Gained Time III. In addition to regular good time of 8.94 days per 30.4 day month, inmates who perform acceptably in part-time work release or study release programs shall be allowed an additional 3.81 days gained time for a total of 12.75 days per 30.4 day month. Such additional gained time shall not be subject to forfeiture for misbehavior

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- and shall be the equivalent of 12.55 percent of the remaining sentence.
- (3) Gained Time III. In addition to regular good time of 8.94 days per 30.4 day month, all inmates performing assigned jobs requiring a minimum of six hours per day with requirements for special skills or specialized responsibilities such as specialized maintenance, cook, operator, canteen operator, or hospital technician, as well as inmates participating in full-time study release or work release shall be authorized to receive an additional 5.77 days gained time for a total of 14.71 days per 30.4 day month. Such additional gained time shall not be subjected to forfeiture for misbehavior and shall be the equivalent of 18.98 percent of the remaining sentence.
- (4) Emergency Gained Time. All inmates who perform work beyond a regular 40 hour work week during extremely inclement weather (below 20 degrees Fahrenheit -- chill factor), or under emergency conditions shall be compensated on the basis of one day of emergency gained time for one day worked. The length of the day shall be determined by the nature of the work assignment to be performed under the conditions mentioned in this subsection. Such gained time shall be reported separately on the history card attachment (flimsy) and shall not be subjected to forfeitures for misbehavior.

History Note: Statutory Authority G.S. 148-11;
Eff. February 1, 1976.

.0103 PROCEDURE

- (a) Recording Time Earned. Only good time will be computed automatically on the inmate's record in the data processing section. Initiation of gained time status in categories number I, II, and III must be initiated by the unit superintendent or institution head using the history card attachment (flimsy).
- (b) Transfer. When an inmate is transferred, gained time status in categories number I, II, and III is automatically terminated. Use of the history card attachment (flimsy) is not necessary to terminate gained time status in categories number I, II, and III when an inmate is transferred from the unit or institution.
- (c) Emergency Gained Time. Under the conditions mentioned above, emergency gained time must be reported on the history card attachment (flimsy) by reporting the actual number of days worked.
- (d) Meritorious Gained Time. The Director of Prisons may award additional gained time to an inmate for exceptionally

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meritorious behavior. Meritorious gained time shall not be subject to forfeiture.

(e) Restoration of Good Time. Regular good time forfeited through disciplinary action may be restored by administrators and institution heads. Not more than 30 days of regular good time may be restored per month. Any single restoration of regular good time of more than 30 days shall be at the discretion of the Director of the Division of Prisons.

History Note: Statutory Authority G.S. 14B-13;
Eff. February 1, 1976.

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SECTION .0200 - DISCIPLINARY PROCEDURES

.0201 GENERAL

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CHAPTER 2 - DIVISION OF PRISONS

SUBCHAPTER 2B - INMATE CONDUCT RULES: DISCIPLINE

SECTION .0100 - GOOD TIME AND GAINED TIME

.0101 PURPOSE

This policy establishes a method of computing sentence reduction credits in the form of Good Time for satisfactory behavior, Gain Time for participation in work or program assignments, and meritorious time for behavior or specific acts not normally required of an inmate. This policy applies to inmates confined in any facility in the Division of Prisons of the North Carolina Department of Correction, a jail, a regional confinement facility, a "County Farm", or any other local confinement facility established for the incarceration of convicted offenders.

History Note: Statutory Authority G.S. 148-11; 148-13;
15A-1340.7;
Eff. February 1, 1976;
Amended Eff. September 1, 1983;
February 1, 1982; February 23, 1981.

.0102 GOOD TIME

(a) Regular Sentence Good Time. With the exception of those inmates sentenced to a split-sentence term, the following categories of inmates shall be awarded regular sentence good time credit at the rate of one day deducted from the inmate's prison or jail term for each day he spends in custody without a major infraction of prison conduct rules:

- (1) All inmates sentenced for crimes committed before July 1, 1981;
- (2) All inmates sentenced for misdemeanors, whether the misdemeanor was committed before or after July 1, 1981; and
- (3) All inmates sentenced to life imprisonment upon conviction of a Class C felony under Article B1A of Chapter 15A of the General Statutes.

(b) Fair Sentence Good Time. Excepting split-sentence inmates and inmates who were convicted of Class A, B, or C felonies, as provided by Article B1A of Chapter 15A of the General Statutes, inmates sentenced for felonies committed on or after July 1, 1981, shall receive Fair Sentence Good Time credit at the rate of

(c) Fair Sentence Good Time. Excepting split-sentence inmates and inmates who were convicted of Class A, B, or C felonies, as provided by Article 81A of Chapter 15A of the General Statutes, inmates sentenced for felonies committed on or after July 1, 1981, shall receive Fair Sentence Good Time credit at the rate of

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one day deducted from the inmate's prison or jail term for each day the inmate spends in custody without a major infraction of prison conduct rules.

(c) Forfeiture. Good Time, Roth Regular and Fair Sentence, shall be subject to forfeiture through disciplinary action for conviction of major infractions as the result of violations of prison conduct rules.

(d) Restoration of Forfeited Good Time. Good Time forfeited through disciplinary action may be restored by area administrators, institution heads, and, in the case of inmates confined to local confinement facilities, the sheriff or administrator of a regional confinement facility. Such restoration shall be based upon documented incidents of improved behavior by the inmate.

History Note: Filed as a Temporary Amendment Eff. April 1, 1983 for a Period of 60 Days to Expire on June 1, 1983; Statutory Authority G.S. 148-11; 148-13; 15A-1340.7; Eff. February 1, 1976; Amended Eff. September 1, 1983; June 1, 1983; February 1, 1982; February 23, 1981.

.0103 GAIN TIME

(a) Regular Gain Time. Inmates in the categories defined by Paragraph (a) of Rule .0102 who perform work, whether full-time or part-time, or participate in specific training programs which would assist their productive re-entry into the community, shall be allowed sentence reduction credits which shall be regulated as Regular Gain Time I, II, and III. Regular Gain Time shall not be subject to forfeiture for misconduct and will be administered as follows:

- (1) Regular Gain Time I. In addition to Regular Good Time credits, inmates who perform short-term work assignments and/or who participate in specific training programs (requiring a minimum of 4 hours of productive activity per day) shall receive credit at the rate of two days per month.
- (2) Regular Gain Time II. In addition to the Regular Good Time credits, all inmates who satisfactorily perform job assignments and/or who participate acceptably in specific training programs requiring a minimum of six hours per day shall receive credit at the rate of four days per month.
- (2) Regular Gain Time III. In addition to Regular Good Time credits, all inmates performing assigned jobs with

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- job assignments and/or who participate in specific training programs requiring a minimum of six hours per day shall receive credit at the rate of four days per month.
- (3) Regular Gain Time III. In addition to Regular Good Time credits, all inmates performing assigned jobs with

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requirements for special skills or specialized responsibilities such as specialized maintenance, cook, equipment operator, canteen operator, or hospital technician, or inmates participating in fulltime specific training programs requiring a minimum of six hours per day shall receive credit at the rate of six days per month.

(b) Fair Sentence Gain Time. Inmates in the category defined by Paragraph (b) of Rule .0102 shall be allowed sentence reduction credits which shall be regulated as Fair Sentence Gain Time I, II, and III. Fair Sentence Gain Time shall not be subject to forfeiture for misconduct and will be administered as follows:

- (1) Fair Sentence Gain Time I. In addition to the Fair Sentence Good Time credits, all inmates who perform short-term work assignments (requiring a minimum of four hours of actual work per day) shall receive credit for work performed at the rate of two days per month.
- (2) Fair Sentence Gain Time II. In addition to the Fair Sentence Good Time credits, all inmates who perform job assignments requiring a minimum of six hours work per day or who perform in part-time work release programs shall receive credit at the rate of four days per month.
- (3) Fair Sentence Gain Time III. In addition to the Fair Sentence Good Time credits, all inmates who perform job assignments requiring a minimum of six hours per day with requirements for specialized skills or responsibilities and inmates who participate in full-time work release shall receive credit at the rate of six days per month.

(c) Meritorious Time. The Director of the Division of Prisons or the Director's designated representative may award additional sentence reduction credits to deserving inmates. Such awards will be based upon the following categories:

- (1) Overtime. Overtime is defined as satisfactory performance in a job and/or program activity beyond a regular forty-hour work week. Fair Sentence inmates are not eligible to receive Meritorious Time for overtime based upon a program assignment.
- (2) Inclement Weather. All inmates are eligible for additional sentence reduction credit for work performed during inclement weather. Inclement weather is defined as a chill factor of below 20 degrees Fahrenheit or a temperature above 95 degrees Fahrenheit.
- (3) Emergency Conditions. All inmates are eligible for additional sentence reduction credits for work

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- performed during emergency conditions. Emergency conditions may include rain, steel and snow, or other unusual or abnormal circumstances as determined by the appropriate approving authority.
- (4) Exemplary Acts. All inmates are eligible for additional sentence reduction credits based upon the performance of exemplary acts. Exemplary acts are defined as unusual deeds or acts performed by an inmate.

History Note: Statutory Authority G.S. 14B-11; 14B-13;
15A-1340.7;
Eff. February 1, 1976;
Amended Eff. September 1, 1983;
February 1, 1982; February 23, 1981.

.0104 PROCEDURE

(a) Recording Sentence Reduction Credits. Good Time will be computed automatically on the inmate's record. Gain Time, Meritorious Time, and Restored Good Time awards must be initiated by the unit superintendent or institution head upon the designated sentence reduction credit form and shall be approved as provided in Paragraphs (b) and (c) of this Rule. Transfers automatically terminate Regular and Fair Sentence Gain Time status for inmates in the custody of the Division of Prisons. Meritorious Time awards will be accumulated and recorded on an hour for hour basis and submitted monthly in whole days, except such credit may be authorized for an exemplary act at a rate not to exceed thirty days for each act. A whole day is defined as eight hours. In the case of inmates confined to local confinement facilities, the sheriff or administrator of a regional confinement facility shall establish procedures for the initiation and approval of sentence reduction credits and all authorized credits shall be recorded upon the sentence reduction credit form.

(b) Approving Authorities. Sentence reduction credit awards are subject to approval as follows:

- (1) Unit superintendents shall have authority to approve Gain Time awards and to approve Meritorious Time awards not to exceed ten days per month per inmate.
- (2) Institution heads shall have authority to approve Gain Time awards and to approve Meritorious Time awards not to exceed thirty days per month per inmate.
- (3) Area administrators shall have authority to approve Meritorious Time awards not to exceed thirty days per month per inmate.

- (4) All Meritorious Time awards which exceed 30 days in a month must be approved by the Director of the Division of Prisons.
- (c) Restoration of Forfeited Good Time. Good Time forfeited through disciplinary action not to exceed thirty days per month per inmate may be restored by area administrators and institution heads. A recommendation initiated by the appropriate authority shall be recorded upon the sentence reduction credit form.